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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,271	11/16/1999	STEPHAN MEYERS	6064-11	4110
32729	7590	02/18/2005	EXAMINER	
WAYNE DEMELLO NOKIA INC. 5 WAYSIDE ROAD BURLINGTON, MA 01803			NGUYEN, KEVIN M	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/441,271

Applicant(s)

MEYERS ET AL.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on R.C.E. 11/29/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 46-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 29, 2004 has been entered. An action on the RCE follows:

2. Amended specification is entered. Claims 1-45 are cancelled. Claims 46-52 are currently pending in the application. An action follows below:

3. Applicant's arguments see pages 5-9, filed November 29, 2004, with respect to the rejections of claims 46-52 under Redford et al and Munyan have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of newly found prior art references.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (newly cited, US 6,460,138) in view of Redford et al (previously cited, US 6,327,459).

6. As to claims 46 and 50, Morris teaches a system and method for authenticating a user for a portable electronic device comprising:

- a. a personal digital assistant (PDA) (col. 4, lines 3-5) inherent includes a touch display to view the protected information.
- b. the removable memory 118 stores encrypt authentication information (step 208 of fig. 3);
- c. an CPU 112, an ASIC, and memories 118 and 122 (fig. 2) defined the circuitry which couples with the touch display which performs the function of reading the decrypted codes, when the removable memory 118 inserts into the PDA in step 210 (fig. 3); said circuitry performs the functions of
- d. decrypting authentication information using private key in step 212 (fig. 3) associated with a first decryption code;
- e. decrypting digital signature using public key in step 216 (fig. 3) associated with a second code;
- f. comparing the two messages digests 146 and 154 (comparing first and second decryption codes) in step 220 (col. 5, lines 30-31).
- g. matching two messages digests 146 and 154 in step 222 (first and second decryption codes are compatible)

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h. allowing the user to be authenticated and access to the portable electronic device 110 (col. 5, lines 32-34). The portable electronic device 110 or the PDA inherent includes the touch display to view the protected information.

Accordingly, Morris teaches all of the claimed limitation of claims 46 and 50, except for a removable cover physically attached with said display, a tag affixed with said cover.

However, Redford et al teaches file-folder remote controls 500 can be opened in the normal manner of a book (fig. 5A, col. 20, lines 28-31) comprising:

- i. a touch display A1-A7 (col. 20, lines 34-35, an electronic display);
- j. a removable cover (511,512) (col. 17, lines 3-5) physically attached with the leaves 521A-521I (fig. 5C, col. 18, lines 10-11) which includes the touch display A1-A7 (fig. 5J);
- k. an identify reader (516) (a tag, col. 17, line 18) affixed with the removable cover (511, 512);

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Morris's PDA including the removable cover physically attached with said display and the tag affixed with said cover, in view of the teaching in the Redford's reference because this would provide the user with a level of comfort as taught by Redford et al (col. 20, lines 36-39).

7. As to claims 47 and 51, Morris teaches to unlock the portable electronic device 110, the removable memory 118 is inserted into the portable electronic device in step

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210 (col. 5, lines 9-11). Thus, it would have been obvious to lock the portable electronic device 110, the removable memory 118 is removed from the portable electronic device.

8. As to claim 49, Morris et al teaches transmitted over a network, and loaded into the portable electronic device for execution (col. 5, lines 55-56).

9. As to claim 48 and 52, Morris teaches those with ordinary skill in the art will appreciate that the user could generate their own authentication information using software on their PC's, or the authentication information could be generated by a third party as a service to customers (e.g., on a walk-in basis for any customer with a PC smart card, or via the Internet) (col. 5, lines 40-45).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 703-308-6725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Nguyen  
Patent Examiner  
Art Unit 2674

KMN  
February 1st, 2005

  
**XIAO WU**  
**PRIMARY EXAMINER**